

4435. Adulteration of tomato paste, tomato pulp, and tomato sauce. U. S. v. Vesuvian Preserving Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 6386. I. S. Nos. 7506-h, 7814-h, 7842-h.)

On November 15, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Vesuvian Preserving Co., a corporation, Vineland, N. J., alleging:

(1) Shipment by said company, in violation of the Food and Drugs Act, on or about November 26, 1912, from the State of New Jersey into the State of New York, of a quantity of tomato paste which was adulterated. This article was labeled: (On retail can) "Eagle Brand Tomato Paste Made from Tomato Trimmings (Design of eagle.) Directions. For one pound of Macaroni use one teaspoonful of this Conserva dissolved in warm water or broth. A sauce thus obtained is used also for roast meats, stews, etc., etc. It gives your dishes a fine and appetizing flavor. Modo di Usarla. Per una libbra di maccheroni usare un cucchiaino da caffè di questa conserva sciolta in acqua calda o brodo. La salsa così ottenuta è indicatissima per carne arrostita, stufati, ecc., ecc. Conserva di Pomodoro Marca Aquila Vesuvian Preserving Co. Vineland, N. J. (Design of red ripe tomato) Questa conserva è puro estratto di pomidori prodotti da semi Italiani. È manifatturata coi più moderni sistemi scientifici sotto la direzione del Cav. Salvatore Misuraca già direttore tecnico della Società Industriale Meridionale di Castellammare di Stabia." (On one end stamped in tin) "Vesuvian" (On other end stamped in tin) "Sanitary." (Shipping package) "Eagle Brand Tomato Paste Vesuvian Preserving Co., Vineland, N. J."

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Sample No.	Yeasts and spores per $\frac{1}{8}$ cmm.	Bacteria per cc.	Mold filaments present in per cent of microscopic fields.
1.....	400	850,000,000	<i>Per cent fields.</i> 66
2.....	600	1,000,000,000	82

(2) The sale by said company, on or about October 4, 1913, under a guaranty that the article was not adulterated or misbranded, of a quantity of tomato pulp which was an adulterated article within the meaning of the Food and Drugs Act, and which said article, in the identical condition in which it had been received, was unlawfully shipped by the purchaser thereof, on or about February 20, 1914, from the State of New Jersey into the State of Louisiana. This article was labeled, in part: "Vesuvian Brand Tomato Pulp Made from Tomatoes and Tomato Trimmings. Vesuvian Preserving Co., Vineland, N. J. Contents 10 oz. Vesuvian Brand VPCo. Trade Mark Packed by Vesuvian Preserving Co., Vineland, N. J." (On shipping case) "48 Tins No. 1 10 ozs. Net Each Vesuvian Brand Tomato Pulp Packed by Vesuvian Preserving Co; Vineland, N. J."

Examination of a sample of this article by said Bureau of Chemistry showed the following results:

Sample No.	Yeasts and spores per $\frac{1}{8}$ cmm.	Bacteria per cc.	Mold filaments present in per cent of microscopic fields.
			<i>Per cent fields.</i>
1.....	28	30,000,000	78
2.....	33	50,000,000	68
3.....	29	350,000,000	68
4.....	36	345,000,000	60
5.....	35	96,000,000	56
6.....	30	48,000,000	68

(3) Shipment by said defendant company, in violation of the Food and Drugs Act, on or about March 17, 1914, from the State of New Jersey into the State of Pennsylvania, of a quantity of tomato sauce which was adulterated. This article was labeled, in part: (Top of can impressed with word "Vesuvian") "Tomato Sauce-Cipolla Brand (Design of branch of plum tomatoes) Packed in Sanitary Cans, No Acid or Solder Used. Salsa Di Pomidero (Design of small body of water, mountains in the distance, with figures in Italian costume in the foreground) This Product Contains Absolutely no Preservatives of any Kind. Packed by Vesuvian Preserving Co., Vineland, N. J. (Monogram VPCo) Trade Mark Contents 6 oz. The Italian Importing Co. New York, Sole Distributors."

Examination of a sample of this article by said Bureau of Chemistry showed the following results:

Sample No.	Yeasts and spores per $\frac{1}{8}$ cmm.	Bacteria per cc.	Mold filaments present in per cent of microscopic fields.
			<i>Per cent fields.</i>
1.....	125	80,000,000	72
2.....	135	175,000,000	70
3.....	96	125,000,000	58

Adulteration of all three articles was alleged in the information for the reason that they consisted, in whole or in part, of a decomposed vegetable substance.

On February 28, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*